

IN THE UNITED STATES DISTRICT COURT

MAY 24 2023

FOR THE DISTRICT OF NEW MEXICO

MITCHELL R. ELFERS
CLERK

UNITED STATES OF AMERICA,

)

Plaintiff,

)

vs.

)

MARQUEZ MARTINEZ,

)

Defendant.

)

CRIMINAL NO. 23-767 JB
Count 1: 18 U.S.C. §§ 922(a)(1)(A) and
924: Dealing in Firearms Without a
License;
Counts 2 and 3: 18 U.S.C. §§ 922(o) and
924: Possession and Transfer of a
Machinegun.INDICTMENT

The Grand Jury charges:

Count 1

From on or about November 10, 2022, and continuing to on or about May 11, 2023, in the District of New Mexico, the defendant, **MARQUEZ MARTINEZ**, not being a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, willfully engaged in the business of dealing in firearms.

In violation of 18 U.S.C. §§ 922(a)(1)(A) and 924.

Count 2

On or about March 6, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **MARQUEZ MARTINEZ**, knowingly transferred and possessed a machinegun, a machine gun conversion device.

In violation of 18 U.S.C. §§ 922(o) and 924.

Count 3

On or about March 20, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **MARQUEZ MARTINEZ**, knowingly transferred and possessed a machinegun, a machine gun conversion device.

In violation of 18 U.S.C. §§ 922(o) and 924.

FORFEITURE ALLEGATION

Upon conviction of any offense in violation of 18 U.S.C. § 922(a)(1)(A), which requires willfulness, or conviction of any offense in violation of 18 U.S.C. § 922(o), in which the defendant is demonstrated to have acted willfully, the defendant, **MARQUEZ MARTINEZ**, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the commission of the offense including, but not limited to:

- a. a Palmetto State Armory PSAK47, .762 Caliber rifle bearing serial number AKB019133;
- b. a Diamondback Arms DB9R, 9mm pistol bearing serial number DB9R01828;
- c. a Glock 48, 9mm pistol bearing serial number BLBH780;
- d. one machine gun conversion device seized by law enforcement on March 6, 2023;
- e. three machine gun conversion devices seized by law enforcement on March 20, 2023; and
- f. approximately nine Fiocchi 9mm bullets recovered by law enforcement on February 14, 2023.

In addition, the defendant, **MARQUEZ MARTINEZ**, shall forfeit to the United States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearm and ammunition intended to be used to violate 18 U.S.C. § 922(a)(1) where the firearm and ammunition intended to be

used in the offense was involved in a pattern of activities which includes a violation of 18 U.S.C. § 922(a)(1) including, but not limited to:

- a. a Hermann Weihrauch .357 caliber revolver with an obliterated serial number;
- b. a FN Herstal FNX-45 Tactical, .45 caliber pistol bearing serial number FX3U036193;
- c. a FMK Firearms AR-1 Extreme, multi caliber pistol bearing serial number FMK55281;
- d. a Glock 19 Gen. 5, 9mm pistol bearing serial number BWSE709;
- e. a Polymer80 PF940C, 9mm pistol bearing no serial number recovered by law enforcement on May 11, 2023;
- f. a Sig Sauer P250, 9mm pistol bearing serial number EAK103942;
- g. a Iberia Firearms, JCP, .40 caliber pistol bearing serial number X774652;
- h. a Sol Invictus Arms TAC-9, 9mm pistol bearing serial number T000436;
- i. a Beretta shotgun bearing serial number 51539;
- j. a Palmetto State Armory Mad Dog-15, .556 caliber pistol bearing serial number CHAOS02197
- k. a Glock 43X receiver/frame bearing serial number AGMV649;
- l. a Makina ve Kimya Endüstrisi AP5-M, 9mm pistol bearing serial number T0624-22CE00967;
- m. a Mossberg 550, 12-gauge sawed-off shotgun bearing serial number G237134;
- n. a Taurus 85, .38 caliber revolver bearing serial number UJ44039;
- o. a North American Arms NAA22, .22 caliber revolver bearing serial number 27097;
- p. a silencer with no markings recovered by law enforcement on May 11, 2023;
- q. approximately 12 Fiocchi .45 caliber bullets recovered by law enforcement on May 11, 2023;
- r. approximately 49 Tula Cartridge Works .223 caliber bullets recovered by law enforcement on May 11, 2023;

- s. approximately 17 Winchester 9mm bullets recovered by law enforcement on May 11, 2023; and
- t. approximately 646 multicaliber assorted bullets recovered by law enforcement on May 11, 2023.

A TRUE BILL:


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FOREPERSON OF THE GRAND JURY


Assistant United States Attorney

SJM